

JANE DAUPHIN.

JANUARY 5, 1832.

Mr. ARCHER, from the Committee on Foreign Affairs, made the following

REPORT:

The Committee on Foreign Affairs, to which has been referred the petition of Jane Dauphin, administratrix of John Dauphin, have had the same under consideration, and report:

The said John Dauphin was the owner of a schooner called the *Mary*, which was twice libelled in the district court of Wilmington, for contravention of the act of Congress of 1st March, 1809, "to interdict commercial intercourse between the United States and Great Britain and France, and their dependencies." The vessel appears to have been given up on bond to the owner, but condemnation ensued, of both vessel and cargo, in each instance. In one of the cases, the share of the forfeiture, (one half,) accruing to the United States, appears, (by the report from the Treasury Department, communicated in reply to the enquiries of the committee;) to have been remitted. This was done, it is to be presumed, (that not being specified,) on the ground that St. Domingo, from which island the vessel appears to have cleared, was not, in fairness, to be regarded, at the period in question, as a dependency of France; of which power it had been successful in maintaining entire independence for several years. The committee concurring in this view, when the petition was referred to them at a former session of Congress, only denied relief, from the impression that it had been already realized in the remission of forfeiture alluded to. It now appears, however, from the proceedings in the second case, which have been recovered, since the last session, in the Department of State, that no application was ever made for remission in this case, but that the amount of the Government's share of the forfeiture has been actually received into the Treasury from a recovery against James Jefferis, the surety of John Dauphin. Evidence has been produced to the committee, of the reimbursement of the amount to Jefferis, by the petitioner. The committee, in these circumstances, regard the petitioner as entitled to have this sum refunded from the Treasury. The claim which she makes for interest they disallow, under the uniform usage of the Government, from which there is nothing to induce a deviation in the present case. In conformity with this view, they report a bill.

TREASURY DEPARTMENT,
11th January, 1831.

SIR: I have the honor to inform you, that, since the last session of Congress, the petition, upon which the remission referred to in my former letter was granted, in the case of John Dauphin, has been found on the files of the Department of State; and by the aid of the information contained in it, an opportunity has been afforded for investigating the facts set forth in the memorial presented to Congress by his widow, Jane Dauphin.

It appears that two forfeitures were incurred by Mr. Dauphin, both resulting from voyages made by his vessel called the Mary, in the year 1809, and that, in the first case, remission was granted by the President.

In the other case, it does not appear that any application was made for remission, and it is to this that the present memorial of Mrs. Dauphin relates. In this case the forfeiture was incurred under the 4th section of the act of the 1st of March of 1809, and the amount (being \$4,422 10,) was recovered of James Jefferis, surety of John Dauphin; and, after deducting \$55 28 for commissions of the clerk of the court, paid over in the month of March, 1814, to the collector of Wilmington, by whom the United States' moiety, viz. \$2,183 41, was duly accounted for to the Treasury, and the other retained as the portion to which he was entitled by law.

The papers are returned.

I have the honor to be,

Very respectfully,

Your obedient servant,

S. D. INGHAM,

Secretary of the Treasury.

HON. W. S. ARCHER,

Chairman of Committee on Foreign Relations,

House of Reps. U. S.

*In the District Court of the United States for the District of Delaware,
at the November term, A. D. 1811.*

THE UNITED STATES OF AMERICA vs. JAMES JEFFERIS.

Judgment rendered November 26, 1811; fi. fa. No. 1, to February term, 1812; venditioni exponas, No. 1, to May term, 1812; alias venditioni exponas, No. 1, to February term, 1814.

SAME vs. SAME.

Judgment rendered November 26, 1811; fi. fa. No. 2, to February term, 1812; capias ad satisfaction, No. 2, to May term, 1812.

Chester county, ss.

Personally appeared before the subscriber, a justice of the peace for Chester county, in the commonwealth of Pennsylvania, Deborah Jefferis, who being conscientiously scrupulous of taking an oath, solemnly affirmeth and saith, that this deponent is the administratrix of the above named de-

fendant, James Jefferis; and that the above judgments were rendered against James Jefferis as the security of John Dauphin, of the borough of Wilmington and State of Delaware, for the appraised value of the schooner Mary and her cargo, imported from the island of St. Domingo, and condemned by a decree of the district court of the United States for the Delaware district; and this deponent further saith, that the whole amount paid by the said James Jefferis under the execution process issued against him on the said judgments, was repaid to the said James Jefferis, in his life time, by the administrators of the said John Dauphin; and that all claim or demand, which the said James Jefferis had against the said John Dauphin or his representatives, for or on account of his said suretyship for the said John Dauphin, has been fully satisfied and discharged.

DEBORAH JEFFERIS.

Affirmed and subscribed, December 15th, A. D. 1831, before

JAMES M. GIBBONS,

A Justice of Peace.

PENNSYLVANIA, *Chester County, ss.*

I, John W. Cunningham, prothonotary of the court of common pleas in and for the county of Chester, in the commonwealth of Pennsylvania, do certify, that James M. Gibbons, esquire, before whom the foregoing acknowledgment was taken, is, and at the time at which the same bears date, was, one of the justices of the peace of said commonwealth, duly commissioned and qualified for the said county of Chester, to all whose official acts as such, full faith and credit are and ought to be given.

In testimony whereof, I have hereunto set my hand, and affixed the seal of said court, at West Chester, in said county, the fifteenth day of December, A. D. one thousand eight hundred and thirty-one.

JOHN W. CUNNINGHAM, *Prot.*

